



Patent Application
Attorney Docket No. PC11074A

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By

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PS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: **Noe, et al.**

APPLICATION NO.: **10/047,592**

Examiner: J. Ford

FILING DATE: **October 23, 2001**

Group Art Unit: 1624

TITLE: **Spiro Barbituates**

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Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

Sir:

RESPONSE

In response to the February 26, 2003 Official Action, wherein the term for reply has been extended three (3) months by the accompanying Petition for Extension of Time, i.e., up to and including August 26, 2003, please enter the following remarks into the record of this application.

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1, 2, 5, 8, 11 and 14-42 are pending and at issue.

Rejection Under 35 U.S.C. § 112, ¶1, ¶2

Claim 1 was rejected under 35 U.S.C. § 112, first and second paragraphs, because the Examiner argues that the terms "heterocycl" and "heteroaryl" are unclear. Briefly, the Examiner asserted that the term "heteroaryl" is not clear or specific and that the "reader must produce the heterocyclic ring, in question" (Office Action at 5). Moreover, he argues that "heteroaryl"

likewise, means many different things to different people. Some definitions of heterocyclic include B, P and As as hetero atoms. The USPTO does not consider those heterocyclic, and does not classify those patents as hetero rings. What applicants intend need be found in the claim.

Office Action at 6.